

REPORT OF THE COMMITTEE ON PUBLIC WORK, INFRASTRUCTURE AND SUSTAINABILITY

Voting Members:

Carol Fukunaga, Chair; Joey Manahan, Vice Chair;
Brandon J. C. Elefante, Ann H. Kobayashi, Trevor Ozawa

Committee Meeting Held
October 17, 2018

Honorable Ernest Y. Martin
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Public Works, Infrastructure and Sustainability, which considered Bill 68 (2018) entitled:

"A BILL FOR AN ORDINANCE RELATING TO CITY STREAMS,"

which passed second reading and a public hearing held at the October 3, 2018 Council meeting, reports as follows:

The purpose of the Bill is to ensure the regular inspection and maintenance of streams owned by the City and County of Honolulu.

The introducer of the Bill offered a proposed posted CD1, which among other things, removes the deadline of June 1 of each calendar for the annual or first semi-annual inspection and instead directs the Director and Chief Engineer of the Department of Facility Maintenance (DFM) to consider seasonal patterns of elevated flood risk, such as that associated with hurricane activity, in determining the scheduling of inspections and removals.

The DFM Director and Chief Engineer expressed appreciation for the work on the proposed amendments and requested an additional amendment to take into consideration the permitting and approval process required by regulatory agencies, such as the U.S. Army Corps of Engineers and the State Department of Health, Clean Water Branch.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON **OCT 30 2018**

COMMITTEE REPORT NO. **354**

REPORT OF THE COMMITTEE ON PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY

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No public testimony was received on the Bill.

Your Committee concurred with the DFM's request and considered and approved a CD1 version that makes the following amendments:

- A. Deletes the phrase "other than a city-owned stream" from the proposed subsection (a) of ROH Section 41-26.3 in SECTION 3 of the bill.
- B. In SECTION 3 of the bill, restores the phrase "or is likely to create an unsanitary condition or otherwise become a public nuisance" to the proposed subsection (a) of ROH Section 41-26.3, language that was added by Ordinance 17-38 but omitted from the original version of the bill.
- C. In SECTION 3 of the bill, amends the proposed subsection (b) of ROH Section 41-26.3 to remove the provision for a deadline of June 1 of each calendar year for the annual or first semi-annual inspection and removal of debris, vegetation, silt, or other items or materials and substitutes a directive that, in determining the scheduling of inspections and removals, the chief engineer consider seasonal patterns of elevated flood risk, such as that associated with hurricane activity, and approved, applicable permits.
- D. Makes miscellaneous technical and nonsubstantive amendments

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Your Committee on Public Works, Infrastructure and Sustainability is in accord with the intent and purpose of Bill 68 (2018), as amended herein, and recommends that it pass third reading in the form attached hereto as Bill 68 (2018), CD1. (Ayes: Fukunaga, Elefante, Kobayashi, Ozawa – 4; Noes: None; Excused: Manahan - 1.)

Respectfully submitted,



Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON OCT 30 2018

COMMITTEE REPORT NO. 354



A BILL FOR AN ORDINANCE

RELATING TO CITY STREAMS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to ensure the regular inspection and maintenance of streams owned by the City and County of Honolulu.

SECTION 2. Section 41-26.2, Revised Ordinances of Honolulu 1990, is amended by adding a new definition of "City-owned" to read as follows:

"City-owned" means the same as defined in Section 41-43.1."

SECTION 3. Section 41-26.3, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 41-26.3 Maintenance of streams.

- (a) The owner of any stream has the duty to maintain, dredge, and clear such stream, or applicable portion thereof, so that the natural flow of water runs unimpaired. The owner shall also be responsible for the removal of any debris, vegetation, silt or other items or material of any kind[.] that may interfere with the natural flow of water or is likely to create an unsanitary condition or otherwise become a public nuisance.
- (b) The chief engineer shall conduct an inspection of all city-owned streams that are lined with concrete or other impervious material no less than annually and all other city-owned streams no less than semi-annually, and shall remove or cause to be removed any debris, vegetation, silt, or other item or material of any kind that may interfere with the natural flow of water or is likely to create an unsanitary condition or otherwise become a public nuisance. In determining the scheduling of the annual or semi-annual inspections and removal of debris, vegetation, silt, or other items or materials, as applicable, the chief engineer shall consider seasonal patterns of elevated flood risk, such as that associated with hurricane activity, and approved, applicable permits."

SECTION 4. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **68 (2018), CD1**

A BILL FOR AN ORDINANCE

SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

Trevor Ozawa

DATE OF INTRODUCTION:

September 6, 2018
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu